

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: January 14, 2005
)	
Marcus E. McCuiston)	DOCKET NO.: 04F-180
Project Manager)	
Department of Health)	
5000 Arkansas Avenue, NW)	
Washington, DC 20011)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Marcus E. McCuiston, Project Manager, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated November 8, 2004 and December 6, 2004, OCF ordered Marcus E. McCuiston (hereinafter respondent), to appear at scheduled hearings on November 19, 2004 and December 15, 2004, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2003, on or before June 21, 2004. Respondent failed to appear at the scheduled hearings referenced herein, or to submit an affidavit in explanation of the failure to timely file the required Financial Disclosure Statement.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
2. Respondent to date has not filed the required Financial Disclosure Statement with OCF for calendar year 2003.
3. Respondent to date has not provided an explanation for failing to timely file a Financial Disclosure Statement with OCF for calendar year 2003.
4. Respondent is not in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§ 3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on respondent, by certified mail, on January 14, 2005.

NOTICE

Pursuant to 3DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.